

AGENDA ITEM NO. 4

Minutes of a meeting of the Asset Development Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Monday 1st February 2016 at 4:08pm

PRESENT

Councillor Bill Hunt (Chairman)
Councillor David Chaplin
Councillor Steve Cheetham
Councillor Lorna Dupré
Councillor Coralie Green
Councillor Mathew Shuter
Councillor Lisa Stubbs

OTHERS

Spencer Clark – Open Spaces & Facilities Manager
John Hill – Chief Executive
Phil Rose – Strategic Land Advisor
Adrian Scaites-Stokes – Democratic Services Officer
1 member of the Public

38. PUBLIC QUESTION TIME

The following questions and statements were received from a representative of the Access Group:

1. In relation to the proposed closure of some public conveniences, why was the Access Group not consulted?
2. It was illogical and counter-productive to consider closing the toilets at Barton Road and Newnham Street.
3. If these toilets were closed it would only leave two accessible toilets for grandfathers or fathers with children of the opposite gender, those with visual impairments or those undergoing gender re-assignment to use and would have an adverse impact on those people.
4. Closing the toilets would have an impact on the cleanliness of the streets, as there would be an increase in numbers of people defecating in the city centre streets.
5. If the intention was for businesses to provide alternative facilities it would be unfair and where would those facilities be?
6. The Paradise Centre could not be used as it did not comply with current British Standards and when it was heavily used during the summer, with tourism and the sports field use, closing the nearby toilet was crazy.
7. Why was Soham not mentioned in the review?

The Chief Executive, on behalf of the Chairman, acknowledged that the Access Group had not been consulted so this would not have given the full picture on this issue. Its views would be passed on to the Commercial Services Committee and the Group would be consulted in good time. The impact of the closures was a matter for Members to consider. There had been no intention for the Council to specify alternative facilities to the closures.

A full written reply would also be sent to the Group's representative.

39. **APOLOGIES AND SUBSTITUTIONS**

No apologies were received.

40. **DECLARATIONS OF INTEREST**

Councillor Bill Hunt conceded that he might have a potential conflict with regards to agenda item number 6, therefore he would leave the meeting and hand over to the Vice Chairman for that item.

41. **MINUTES**

It was resolved:

That the minutes of the Asset Development Committee meeting held on 16th December 2015 be confirmed as a correct record and be signed by the Chairman.

42. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- Most Members of the Committee had been on a trip earlier to visit various Council sites. Thanks were given to the Open Spaces and Facilities Manager for arranging this, as it had been very useful and helpful. It was suggested that such events could be organised twice a year or if any sites were considered contentious, so Members were fully aware of what the Council was committed to.
- Action had been taken by the Business Development Manager recently relating to parking at St Thomas Walk. A Council building was currently empty but another business nearby had wanted some additional parking. So the Business Development Manager had arranged a lease for this business to use the empty building's parking and this would provide some income for the Council.

*Councillor Bill Hunt left the meeting at this point, 4:19pm.
Councillor Mathew Shuter assumed the Chair for the next item.*

43. **REVIEW OF PUBLIC CONVENIENCES**

The Committee considered a report, reference Q186, previously circulated, that set out the Draft Improvement Plan.

The Chief Executive tabled a letter received from Littleport Parish Council and a revised Appendix 3. The Committee were advised that the usual methodology for service reviews had been followed. The review had set out the issues it expected to find and to be considered. Originally the working group, set up to

conduct the review, had considered charging for use of the facilities, with a third party delivering the service. However, after consultation, it was decided to consider alternative ways to deliver the service, including ceasing the service, and identify efficiency savings. The review discovered the usage of the facilities and the costs to bring them up to standard.

The review compared the service provided against those of neighbouring authorities. This was difficult to do, as it varied significantly across the districts. Then a public consultation was undertaken, resulting in a general response against charging. The service was non-statutory which did not mean that it should cease just on that basis. Some of the facilities the Council owned and some it just managed. Other service delivery mechanisms were considered, such as self-cleaning toilets but this would not be available in the Council's facilities. 'Soft market' testing had been undertaken which proved that a private sector solution should not be pursued. Some facilities could be transferred to parish councils, to give them the opportunity to maintain those services.

The Improvement Plan, in revised Appendix 3, gave an idea of the costs involved. The figures for 2016/17 to 2018/19 had assumed that the recommendations would be agreed. The Council had a balanced budget now but any additional savings made now would have a multiple beneficial effect on future budgets.

With regards the facility in Burwell, the Parish Council had been given time to agree to some options. It was proposed to ask the Parish Council for a contribution to run the facility for a year and then transfer it to them. Parish councils were generally reluctant to take on these facilities due to the issue of transference of staff.

In Littleport there was an en passé, as outlined in the letter received from the Parish Council. The facilities were next to the Barn and were in a reasonable state of repair. The Parish Council was looking for a similar deal to that offered in Ely and wanted a continued service that was subsidised. If no agreement could be reached then it was proposed to close the facility and make a compensation payment.

The facility in Fordham was a possible development opportunity. Generally it was not well used so it was proposed to close it and offer a compensation payment to the Parish Council.

In Ely there were a number of factors arising from the decision not to introduce charging, therefore the facilities had to be rationalised. The one in Barton Road, which needed significant refurbishment, could be closed, as there were other facilities nearby and this would give an opportunity for development of the site. The Sacrist Gate facility was leased from the Dean of the Cathedral, who did not want to continue the lease but wanted to use the building for storage. They had asked the Council for a contribution to the refurbishment, so it was recommended that the lease be surrendered. The Cloisters toilets were also leased but it was recommended to continue to use these due to the volume of use and its reasonable state. The Newnham Street convenience was similar to Barton Road and had other facilities nearby. The Palace Green toilets were

very useful so it was recommended to keep them open and use Section 106 monies to improve them. The Ship Lane facility was a considerable distance from other facilities and served the riverside area. Therefore it was recommended to continue using this facility.

Discussions had been ongoing with Soham Town Council about the contribution to the continuation of toilet facilities there. It had concerns about maintaining the facilities and staff issues.

Councillor Lorna Dupré was very concerned about the piecemeal approach to this issue. Excluding Soham did not give a comprehensive view of the whole matter. The villages would be concerned, as they would be receiving different offers and they would be asked for contributions, unlike Ely.

The Ely proposals were different because the facilities served the national tourist trade. It was odd that the city had been keen to ensure free parking but were going to reduce by half the available toilets for visitors. It was fundamental that the toilets should have disabled access. The three proposed for closure all had this access but one of the remaining ones did not, so this would disproportionately affect disabled people. This group of people would also require facilities near at hand but if some were closed then they would have a long walk to find others.

The facilities in other businesses could be used but this had not been tied in. Elsewhere businesses charged for using their facilities, so that might happen in Ely. The city did not have large shops where people could use their facilities.

This matter should be about serving the people and not about land issues. Closing these facilities would be a retrograde step, so the general proposals could not be supported.

Councillor Coralie Green stated that it was always regrettable to reduce any services but in this matter considerable research had been done on the footfall, costs and consultation. So the proposals could be supported and the recommendations welcomed.

The Chief Executive made further recommendations, in that any action in relation to closure of a facility had to be recommended to the Commercial Services Committee, the Access Group should be consulted and an Equality Impact Assessment should be completed.

The Committee then considered the recommendations relating to individual facilities separately.

The Causeway, Burwell – recommendation agreed unanimously.

Main Street, Littleport – this was considered in conjunction with the letter received from Littleport Parish Council. Councillor Lorna Dupré asked whether the Parish Council had taken over a previous convenience, which was not now being used. It was confirmed that the Parish Council had purchased another

facility but it had never opened. The recommendation was agreed unanimously.

Carter Street, Fordham – Agreed unanimously the recommendation to close it and this would be referred on to Commercial Services Committee.

Barton Road, Ely – Agreed, upon being put to the vote, the recommendation to close it and this would be referred on to Commercial Services Committee.

The Cloisters, Ely – recommendation to retain and improve agreed unanimously.

Newnham Street, Ely - Agreed, upon being put to the vote, the recommendation to close it and this would be referred on to Commercial Services Committee.

Palace Green, Ely - recommendation to retain and improve agreed unanimously.

Sacrist Gate, Ely - Agreed, upon being put to the vote, the recommendation to close it by surrendering the lease and this would be referred on to Commercial Services Committee.

Ship Lane, Ely - recommendation to retain and improve agreed unanimously.

The further recommendations were then considered and approved.

It was resolved:

- (i) That the Draft improvement Plan at revised Appendix 3 be approved;

It was resolved TO RECOMMEND TO COMMUNITY SERVICES COMMITTEE:

- (ii) That the facilities at Carter Street, Fordham be closed and a compensation payment to Fordham Parish Council equivalent to 1 years running costs be made;
- (iii) That the facilities at Barton Road, Ely be closed;
- (iv) That the facilities at Newnham Street, Ely be closed;
- (v) That the facilities at Sacrist Gate, Ely be closed by surrendering the lease at a cost of £5,000;
- (vi) That (ii) to (v) be subject to consultation with the East Cambridgeshire Access Group and the completion of an Equality Impact Assessment.

Councillor Bill Hunt returned to the meeting, at 4:56pm, and resumed the Chair.

The Committee agreed to consider agenda item number 8 next.

44. **ASSET MAINTENANCE PROGRAMME 2015/16**

The Committee considered a report, reference Q188, previously circulated, that updated Members on the Asset Management Planned Maintenance Programme for 2015/16 including spend to date.

The Open Spaces and Facilities Manager advised the Committee that the works completed recently included completion of new drainage for the garages off St Johns Road Ely, repairs to the training pool at the Paradise Pool, signing and dredging at Ely riverside and installation of the new bus shelters in Market Street Ely. These last two had been funded through Section 106 monies.

Works ongoing included white lining in The Grange Ely and Soham car parks, maintenance of the lifts and fire doors in The Grange Ely.

Councillor Bill Hunt noted that the Members who went on the day's tour had seen the new bus shelters and they had been well received. Cleaning the windows of these would be included in the maintenance programme. Thanks were offered for a good job.

It was resolved:

- (i) That the Public Open Space designation be discharged and the development of the land at The Vineyards, Ely be confirmed;
- (ii) That the Open Spaces and Facilities Manager be instructed to relocate the existing bench on the open space to the small piece of land retained by the Council.

45. **LAND AT THE VINEYARDS ELY**

The Committee considered a report, reference Q187, previously circulated, that updated Members on progress in this matter.

The Chief Executive asked whether the Committee would want to consider the market value of the adjoining site. If it did, then this was exempt information under Categories 1 and 3 so the Committee would have to go into exempt session.

Therefore,

It was resolved:

That the press and public be excluded during the consideration of the information relating to the marketing of the site because it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories 1

and 3 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

The Strategic Land Adviser then explained the situation relating to the adjoining site and its marketing and the options available.

The Committee then moved back into public session.

The Chief Executive reminded the Committee that it had considered this issue at its last meeting and had raised a lot of questions. A number of letters from residences had been received previously, prompting the Committee to seek clarification on a range of issues. The essential questions to consider were: whether to decide to dispose of the land and pass it to the Local Authority Trading Company, whether to release the land from its open space designation, what was the history of the site and its constraints and had the legal process been gone through to allow disposal. In answer to some of these questions, the Committee was informed that the history of the site had been investigated and was set out in the report. There was no knowledge as to why there was a Deed of Dedication relating to the site. The legal process had been followed and there was no legal impediment to its disposal.

Councillor Mathew Shuter had been concerned about the legalities surrounding this site but, after speaking to the relevant officer, he was now satisfied that there would be no problems. However, there was also concern from the moral point of view. There had to be consideration of the benefits for the Council and its taxpayers if the development was to proceed, compared with the intention of the person gifting the space. On balance it appeared that the public good would be better served to sell the land, in this instance. For the public to have confidence in the Council in the future, it must show that such matters had been deeply thought about and it had weighed the situation against the public good.

Councillor Lorna Dupré had also considered the moral viewpoint but had reached the opposite conclusion to Councillor Shuter. Given the information regarding the intention of the person gifting the space, to go against their wishes would demonstrate 'bad faith' and would augur very badly for other similar gifts in the future. Although the arguments were understood, the right thing for the Council to do was abide by the wishes of the person gifting the space.

Councillor Bill Hunt asked how many times the Council visited this piece of open space to maintain it and how much the maintenance costs were.

The Open Spaces and Facilities Manager stated that it was visited fortnightly, between 8 and 9 months of the year, for grass cutting which took around 1 hour. During the summer months the hedge was trimmed, while in winter the hedge was cut back. It was complicated to maintain this piece of land due to its location. Overall the costs were in the region of £400-£500 per year.

The recommendations in the report were duly proposed and seconded and, upon being put to the vote, declared carried.

It was resolved:

- (i) That the Public Open Space designation be discharged and the development of the land at The Vineyards, Ely be confirmed;
- (ii) That the Open Spaces and Facilities Manager be instructed to relocate the existing bench on the open space to the small piece of land retained by the Council.

46. **EXCLUSION OF THE PUBLIC INCLUDING REPRESENTATIVES OF THE PRESS**

It was resolved:

That the press and public be excluded during the consideration of the remaining items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category 3 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

47. **ANGEL DROVE COMMUTER CAR PARK, ELY**

The Committee considered an Exempt report, reference Q189, previously circulated, that outlined some proposals relating to the commuter car park at Angel Drove, Ely.

The Strategic Land Adviser outlined the current situation regarding car parking and advised of a potential option to improve the situation. The Committee asked questions relating to that option, with reference to potential costs and benefits, but were in favour of looking at it further.

It was resolved:

That the Strategic Land Adviser and Open Spaces and Facilities Manager be instructed as per the report's recommendations.

48. **ASSET DEVELOPMENT OPPORTUNITY, PARISH OF ELY**

The Committee considered an Exempt report, reference Q190, previously circulated, that outlined a potential option for one asset in Ely.

The Chief Executive reminded the Committee of its previous decision and recommended a slight amendment relating to one asset in Ely. The Committee were happy to proceed as recommended.

It was resolved:

That the recommendations in the report be approved.

49. **LAND DEVELOPMENT OPPORTUNITY, PARISH OF ELY**

The Committee considered an Exempt report, reference Q191, previously circulated, that outlined a land development opportunity in Ely.

The Strategic Land Adviser advised the Committee as to the relationship of the land to other assets and outlined the benefits it would bring. It would solve some problems, provide some future-proofing and, if the recommendations were agreed, would be a sensible strategic decision. The Committee agreed that the recommendation should be approved as it would be of benefit to the Council and its expanding population.

It was resolved:

That the recommendations in the report be approved.

50. **LAND DEVELOPMENT OPPORTUNITIES AND ASSET DEVELOPMENT PROGRAMME UPDATE 2015/16**

The Committee considered an Exempt report, reference Q192, previously circulated, that provided an update on land development opportunities and the asset development programme.

The Strategic Land Advisor updated the Committee on a number of land opportunities. Areas of land had been identified for potential development and the Committee was recommended to instruct officers to explore the possibilities for these. Sites within the district would be assessed with a view to being included in the Local Plan allocations.

The Committee were mindful of the potential impact on local residents of possible developments and consequently other recommendations were tabled, and agreed, to ensure those impacts were assessed beforehand, with the involvement of local Ward Councillors.

It was resolved:

- (i) That the Strategic Land Adviser be instructed as per the recommendations within the report;
- (ii) That the update in relation to previously identified land opportunities and asset development programme (as set out in Appendix 1) be noted;
- (iii) That the update in relation to the Asset Development Transaction Schedule (As set out in Appendix 2) be noted;

- (iv) That the Strategic Land Adviser be further instructed to act as recommended by the Committee.

51. **FORWARD AGENDA PLAN**

The Committee considered its forward agenda plan.

The forward agenda plan was received.

52. **EXEMPT MINUTES**

It was resolved:

That the exempt minutes of the meeting of the Asset Development Committee held on 16th December 2015 be confirmed as a correct record and be signed by the Chairman.

53. **ASSET MAINTENANCE PROGRAMME 2015/16 – URGENT ITEM**

The Committee considered an Exempt report, reference Q193, previously circulated, that outlined highways maintenance works to Council owned land. The report was urgent due to the timescales of the County Council's maintenance works and the requirement to include this Council's additional works within that, on the grounds of efficiency and cost.

The Committee was delighted to accept the recommendation to get this work done in a timely and efficient manner.

It was resolved:

That the recommendations in the report be approved.

The meeting concluded at 6:18pm.